

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

REINALDO FANTAUZZI,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
RANDALL BRITTON, et al.,	:	NO. 10-2701
Respondents.	:	

EXPLANATION AND ORDER

This Court previously entered an order (Doc. No. 3) directing the Clerk of Quarter Sessions of Northampton County to file with the Clerk of this Court the state court record in the matter of Commonwealth v. Reinaldo Fantauzzi, No. CP-48-CR-3898-2005 (judgment of conviction date: September 14, 2006). On July 22, 2010, we were provided with the Quarter Sessions file. While the file contains the parties' briefs to the Superior Court on direct appeal, it does not include the parties' briefs to the Superior Court on appeal from the dismissal of the PCRA petition.

Respondents have appended to their answer pertinent trial court and Pennsylvania Superior Court opinions in this case, as well as copies of a few other relevant items. As we have begun to review the pleadings to prepare our Report, however, it is clear that we will be required to review additional items. In light of the fact that these items are not contained among the records we received from the Clerk of Quarter Sessions, we must ask Respondents to provide us with a copy of these materials.

AND NOW, this 17th day of February, 2011, in light of the foregoing and pursuant to Rule 5(c) of the Rules Governing Section 2254 Cases, **IT IS HEREBY ORDERED**

THAT the District Attorney of Northampton County shall submit to the Court, on or before March 4, 2011, copies of the following items:

1. Petitioner's brief filed with the Pennsylvania Superior Court on PCRA appeal
(believed to be filed on or about August 13, 2009; and
2. the Commonwealth's brief filed with the Superior Court on PCRA appeal
(believed to be filed on or about September 8, 2009);

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE